



December 22, 2008

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commissions  
445 – 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Filed Via ECFS**

RE: CC Docket No. 96-45, Range Telephone Cooperative Inc's. Petition for Waiver of the Commission's Universal Service Rules

Dear Ms. Dortch:

With this letter, Range Telephone Cooperative, Inc. ("Range") urges the Federal Communications Commission ("FCC") to approve Range's previously filed petition for a one-time waiver of FCC's universal service line count filing rules.

In March 2007, Range filed a petition for waiver for its alleged failure to submit to the Universal Service Administration Corporation ("USAC") fourth-quarter 2005 working line count data for high cost model ("HCM") support in Range's Forsyth exchange. In that petition and during subsequent ex parte communications with the FCC, Range advised that during the time period from March 2006 through early November 2006, Range submitted various line count filings to USAC, including the line-count filing in question—i.e. the 4<sup>th</sup> quarter 2005 HCM loop support filing. Each time Range made inquiries, USAC assured Range that Range had properly and timely made all filings necessary to receive all USF support for Range's Forsyth exchange retroactive to its effective date as a competitive eligible telecommunications carrier—March 21, 2006. It was not until Range began receiving USF payments from USAC in October 2006 and November 2006 that Range had any knowledge that USAC, contrary to what they had previously told Range, did not have a copy of Range's 4<sup>th</sup> quarter 2005 HCM support filing. After diligent inquiry by Range to USAC, USAC told Range that it did not have the line count filing in questions. The day Range learned of this from USAC, Range filed with USAC an amended 4<sup>th</sup> quarter 2005 HCM line count filing. By the time Range found out USAC had no record of the filing, the line count filing deadline for that time period had passed. Thus, USAC rejected the filing as untimely and instructed Range to seek an appeal.

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As part of due diligence, Range requested from USAC copies of all data and email correspondence between Range and USAC for the time period in question. USAC produced all such information, but there was no evidence of the 4<sup>th</sup> quarter 2005 HCM line count filing in their records. In an April 30, 2007, *ex parte* filing with the FCC, I submitted a signed and sworn affidavit to the FCC stating that I had indeed made the 4<sup>th</sup> quarter 2005 HCM line count filing with USAC in a timely manner, despite USAC's failure to have evidence of the filing in their records.

FCC staff have responded to Range informally, stating that despite their belief that such affidavit was made in good faith, the FCC has concerns that granting a petition for waiver when USAC does not have written record that the filing was ever made would set a bad precedent. Specifically, the FCC is concerned that if it were to grant Range's petition, other carriers that did not actually timely file their line count filings could make arguments that the FCC should merely take their "word" that such filings were indeed made. I had advised the FCC that Range's situation is substantially different as Range submitted an affidavit made under oath whereby I swore that I did indeed make the line count filing.

It has now been nearly two years since Range filed its petition for waiver. In addition to that petition, Range has submitted numerous *ex parte*'s supporting its position. In Range's opinion, the file on this matter is complete, and we urge the FCC to make a decision on Range's petition as expeditiously as possible.

Sincerely,

*Robin Stephens*  
Robin Stephens  
General Manager  
Range Telephone Cooperative, Inc.

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